IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.37159 of 2008

1. MD.QURBAN ALI,
s/o Late Abdul Qadir, resident of
Village Kopin,P.O. Biju Bigha,
P.S. Sitamarhi O.P. (Narhat),
District Nawadah

2. NARESH SINGH,
s/o Shri Dwarika Singh, resident of
Village Chaugaon, P.S. Sirdala,
P.O. Laud, District Nawadah

------Petitioners

Versus

STATE OF BIHAR

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2. 27.11.2008 Heard the learned counsel for the petitioners and the State.

The petitioners no. 1 and 2, who are the Mukhiya and Panchayat Secretary of the concerned Panchayat respectively, are apprehending their arrest in connection with Narhat P.S. Case No.59 of 2007 for the alleged offences registered under sections 420, 467, 468, 471, 470 and 120B of the Indian Penal Code.

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The allegation against the petitioners is of committing illegality in the matter of appointment of Panchayat Teacher since one trained Teacher was not appointed and an untrained Teacher was appointed.

It is submitted that at the material time candidates were permitted to make applications for their appointment in different Panchayats. Therefore, at the time when the selection was being made by these petitioners, no trained teacher was turned up for interview and as such the candidates then available were appointed. It is further submitted that the police after thorough investigation found it to be a mistake of fact and submitted final form. However, the Magistrate

differed and took cognizance.

The learned APP appearing for the State is not in a position to refute the said submissions.

Considering the facts and circumstances of the case, let petitioners no.1 and 2 above named, in the event of their arrest or surrender in connection with Narhat P.S. Case No.59 of 2007 within a period of four weeks from today, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawadah, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

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PNM **(Shailesh Kumar Sinha, J.)**